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In re Application of	:	
MILLAR, et al.	:	DECISION ON
Serial No.: 10/543,017	:	
PCT No.: PCT/AU04/00083	:	RENEWED PETITION
Int. Filing Date: 23 January 2004	:	
Priority Date: 24 January 2003	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: ALAR18.001APC	:	
For: ASSAY FOR DETECTING METHYLATION	:	
CHANGES IN NUCLEIC ACIDS USING AN	:	
INTERCALATING NUCLEIC ACID	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)" filed 19 October 2006 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor George Miklos.

### **BACKGROUND**

On 31 August 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 19 October 2006, applicant filed the present renewed petition.

### **DISCUSSION**

As detailed in the decision mailed 31 August 2006, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

As to item (2), applicant has presently confirmed through an additional declaration of Dr. Trevor Davies that the inventor refused to sign the declaration during a meeting on May 25, 2006 and that Dr. Miklos was aware of the particulars of the application in question, i.e. that there was a complete set of application papers available for the inventor's review.

In light of the above, it is proper to grant applicant's renewed petition at this time.

**CONCLUSION**

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 23 January 2004 under 35 U.S.C. 363, and will be given a date of **24 July 2006** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



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